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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,294	12/08/2000	Alanen Kimmo	367.39383X00	2671

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EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,294

Applicant(s)

KIMMO ET AL.

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 06/22/05.
2. Claims 20-41 are pending.
3. The Abstract filed on 06/22/05 has been reviewed and accepted by Examiner.
4. The Replacement Drawings filed on 06/22/05 have been reviewed and accepted by Examiner.

Claim Objections

5. Regarding claim 36-40, it appears that the term "computer program" in the claims is a typographical error. The term "computer program" should be rewritten as "computer program code".

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 35 is rejected under 35 U.S.C. 101 because the claim recited "A computer program code" per se and does not positively recite that the program is stored on a medium that can be read by a machine. As such, the claimed invention is non-statutory as it is not being tangibly embodied in a manner so as to be executable.

Claim 39 is rejected as being non-statutory based on the same rational applied to claim 35.

Claim 40 is rejected as being non-statutory based on the same rational applied to claim 35.

Regarding claim 37, the claim recites "computer readable medium is a removable memory card". However, there is no positive recitation of the computer program code being stored in the computer readable medium. Therefore, the computer program code of the claim is non-statutory as it is not being tangibly embodied in a manner so as to be executable.

Regarding claim 38, the claim recites "computer readable medium is a magnetic or optical disk". However, there is no positive recitation of the computer program code being stored in the computer readable medium. Therefore, the computer program code of the claim is non-statutory as it is not being tangibly embodied in a manner so as to be executable.

Regarding claim 41, the "structure for specifying a hyperlink comprised on a hypertext page" as recited is non-statutory, since the structure is not tangibly embodied in a manner so as to be executable. Although the structure comprises "an input key element for identifying a specific fixed location input key at an edge of a display on a portable apparatus", the structure itself does not include hardware.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 37-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 37 recites the limitation "computer readable medium is a removable memory card". However, the feature "removable memory card" is not found in the specification.

Claim 38 recites the limitation "computer readable medium is a magnetic or optical disk". However, neither "magnetic disk" nor "optical disk" is found in the specification.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 37-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "said computer readable medium". There is insufficient antecedent basis for this limitation in the claim.

Claim 38 recites the limitation "said computer readable medium". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

13. Claims 20-24, 27-32, 34-36, 38, and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al ("Edwards", Pub. No. US 2002/0032699)

Regarding claim 20, Edwards teaches a portable telecommunication apparatus (mobile phone in [0018], [0185], or [0190]) for requesting the download of pages of information from a remote source comprising means for receiving the pages of information including encoded information identifying links to other pages (displayed pages include embedded links to other pages, [0017] and [0018]);

a display for displaying the received pages (screen displaying WWW pages and information) ([0054]) (see display in Fig. 2) and for displaying a caption indicative of a linked page in close proximity on the display to a fixed location input key (label 220 provides descriptive text for the link, label 220 is displayed in the bottom of the screen, [0061], [0226]) (in a mobile phone, screen display is in close proximity to buttons, therefore, labels 220 are provided in close proximity to buttons) ([0018] [0185]) (also see [0028]);

the fixed location input key being at the edge of the display (in a mobile phone, the button set is at the edge of the display) ([0185])

a processor for forming said caption from the encoded information identifying the linked page and for consistently associating the fixed location input key with the encoded information identifying a linked page during a display period such that actuation of the fixed location input key during the display period requests the linked page for download from the remote source ([0024]).

Regarding claim 21, Edwards teaches comprising respective fixed location input keys and wherein the processor associates each fixed location Input key with the encoded information identifying a linked page ([0024]).

Regarding claim 22, Edwards teaches the display period is the duration of the display of the received page ([0054]).

Regarding claim 23, Edwards teaches the fixed location input key is a dedicated key (four colored buttons 330) ([0074]).

Regarding claim 24, Edwards teaches the dedicated key is one of a group of alphanumeric keys provided for dialing ([0074]).

Regarding claim 27, Edwards teaches the remote source is a computer capable of connection to the World Wide Web (WWW) (Fig. 1 and Fig. 4)

Regarding claim 28, Edwards teaches the apparatus comprises a markup language decoder (Fig. 6) ([0037]).

Regarding claim 29, Edwards teaches the association between the fixed location input key and the link is achieved by means of a particular tag in the page of information ([0115] and [0125]).

Regarding claim 30, Edwards teaches the apparatus is mountable in a vehicle ([0029]).

Regarding claim 31, Edwards teaches the apparatus is a portable wireless telecommunication apparatus (mobile phone in [0018], [0185], or [0190]).

Regarding claims 32 and 35, Edwards teaches a method and computer program code ([0045]) for requesting the download of respective pages of received Information from a remote source in a portable apparatus (mobile phone for downloading pages in [0018], [0185], or [0190], Fig. 1 and 4), which comprises at least one fixed location input key located at an edge of a display of said portable apparatus (in a mobile phone, the button set is at the edge of the display) comprising:

receiving in the portable apparatus a first page of information (see Fig. 2 for first page of information) including encoded information identifying at least one link to a second page (the first page displayed in Fig. 2 includes embedded link to a second page "News", also see [0017] and [0018]), the at least one link comprising a visual element ("News" in Fig. 2) indicative of the second page and a location element (address link of the "News" page) to be used for downloading for the second page ([0017], [0018], and [0049] – [0061]);

assigning the at least one link from the encoded information to a respective fixed location input key among said at least one fixed location input key ([0071]-[0073]);

separating the visual and location elements of the at least one assigned link (display the visual element on the screen in Fig. 2);

displaying on the display of said portable apparatus said first page of information and the visual element for the at least one assigned link, said visual element being displayed in close proximity on the display to the respective at least one fixed location input key (see Fig. 2) (in a mobile phone, screen display is in close proximity to buttons, therefore, labels 220 are provided in close proximity to buttons) ([0018]) (also see [0028]);

a user actuating a fixed location input key during a display period, determining the link assigned to the actuated fixed location input key and downloading the second page based on the location element comprised in the determined link ([0024]).

Regarding claims 34 and 40, Edwards teaches the remote source is a computer capable of connection to the World Wide Web (WWW) (Fig. 1 and Fig. 4)

Regarding claim 41, Edwards teaches a structure for specifying a hyperlink comprised on a hypertext page (displayed page includes embedded links to other page, [0023]-[0024], the structure comprising:

an input key element for specifying a specific fixed location input key at an edge of a display on a portable apparatus (in a mobile phone, the button set is at the edge of the display) ([0185], [0190])[0024]);

a visual element indicative of a second hypertext page (see Fig. 2); and

a location element for identifying the second hypertext page ([0071]-[00734];

Regarding claim 36, Edwards teaches the computer program code is stored on a computer program medium (hard disk 43, [0100]).

Regarding claim 38, Edwards teaches that the computer program medium is a magnetic disk (hard disk 43, [0100]).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 25-26, 33, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al ("Edwards", Pub. No. US 2002/0032699) and Grant (USP 5854624)

Regarding claim 25, Edwards does not teach the input key is a touch-sensitive area of the display. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that input key is a touch-sensitive area (col 4, lines 33-35). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network browser taught by Edwards to include the teaching that the input key is a touch-sensitive area taught by Grant with the motivation being to construct input key in another from (Grant, col 1, lines 33-35).

Regarding claim 26, Edwards does not teach that the caption is provided immediately above the fixed location input key. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that text describing functionality of each key is provided immediately above the input key (see Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network browser taught by Edwards to include providing text describing functionality of each key immediately above the input key area taught by Grant so that the user can quickly and correctly choose which input key to select in order to view the desired page.

Regarding claims 33 and 39, Edwards does not teach that the visual element is provided above the associated fixed location input key. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that text describing functionality of each key is provided above the associated input key (see Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network browser taught by Edwards to include providing text describing functionality of each key above the associated input key area taught by Grant so that the user can quickly and correctly choose which input key to select in order to view the desired page.

16. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al ("Edwards", Pub. No. US 2002/0032699) and O'Leary (USP 6750850).

Regarding claim 37, Edwards does not teach the computer program is stored on a removable memory card. However, such feature is known in the art as taught by O'Leary. O'Leary teaches a viewer system for a wireless device, the system comprises storing data in a removable memory card (col 5, lines 49-57). It would have been obvious to one of ordinary skill in the art, having the teaching of Edwards and O'Leary before him at the time the invention was made to include O'Leary's teaching of storing data in a removable memory card in Edwards' system with the motivation being to extend the storage capacity of the system.

17. Applicant's arguments filed 06/22/05 have been fully considered but they are not persuasive.

In response to Applicant argument that, in Edwards' teaching, "the color.....colors of buttons provided on a separate user's key pad" (arguments on the 5th paragraph of page 9) and "There is no input key which meetswhich is part of single apparatus (the second paragraph of page 10), it is noted that such is not quite the case since Edwards' paragraph [0185] teaches that Easy Terminal access can be a mobile phone for displaying processed WWW information using "minimum button set" navigation techniques. It is clear that on a mobile phone, the display and fixed location input key are in a single apparatus, therefore, Edwards teaches "a fixed location input key in close proximity to the display".

In response to Applicant argument that, in Edwards' teaching, "the remote control handset 105 is not part of the apparatus including the display 100" (the third paragraph of page 10), it is noted that such is not quite the case since as presented above,

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Edwards' paragraph [0185] teaches that Easy Terminal access can be a mobile phone for displaying processed WWW information using "minimum button set" navigation techniques, therefore, the part 105 ("minimum button set" in case of mobile phone) is a part of the apparatus (mobile phone) including the display (where "processed WWW information" is being displayed).

In response to Applicant's argument regarding rejection of claim 7 (second full paragraph in page 11), it is noted that, as presented above, Edwards' paragraph [0185] teaches that Easy Terminal access can be a mobile phone for displaying processed WWW information using "minimum button set" navigation techniques, therefore, the display is integrated with the button set. Thus, the display and fixed location input key are in a single apparatus, or in other words, the fixed location input key is in close proximity to the display. The Edwards' caption indicates the linked page is on the display (see Fig. 2), therefore, Edwards teaches displaying a caption indicative of a linked page in close proximity on the display to a fixed location input key as claimed.

It noted that, in Applicant's arguments, the citing of "Reynolds et al" is a typographical error. It appears that Applicant meant to cite "Edwards et al".

In response to Applicant's argument "Grant does not cure the deficiencies noted above with respect to Edwards et al" (last paragraph of page 11), it is noted that this argument is not persuasive since, as explained above, Edwards does not have deficiencies with respect to teaching a fixed location input key in close proximity to the display.

In response to Applicant's argument regarding claim 41 in which Applicant argues "Edwards et al does not pertain to a portable apparatus....." (second paragraph of page 12), it is noted that such is not quite the case since as presented above, Edwards' paragraph [0185] teaches that Easy Terminal access can be a mobile phone for displaying processed WWW information using "minimum button set" navigation techniques.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

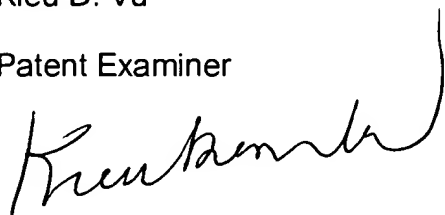
and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Kieu D. Vu

Patent Examiner

A handwritten signature in black ink, appearing to read 'Kieu D. Vu', with a stylized, flowing script.